

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>UNITED STATES OF AMERICA</b>	:	<b>Crim. No. 1:09-cr-0356-01</b>
	:	
	:	
<b>v.</b>	:	
	:	
	:	
<b>KAYODE KASSIM</b>	:	<b>Judge Sylvia H. Rambo</b>

**MEMORANDUM**

Before the court is a Motion for Reduction of Sentence pursuant to 18 U.S.C. § 3724(g), 18 U.S.C. § 3553(b), and 18 U.S.C. §3582(c)(2). (Doc. 210.) Petitioner Kayode Kassim (“Kassim”) believes he is entitled to a reduction of sentence based on his post-sentencing rehabilitation and Amendment 791 which adjusted the monetary tables in certain money crimes.

First, Section 3742(g) of title 18 does not apply to Kassim. This section applies to a defendant who has taken an appeal and the case has been remanded for sentencing. *See* 18 U.S.C. § 3724(g). This has not occurred in Kassim’s case. Second, Section 3553(b) of title 18 applies only at the time a defendant is initially sentenced. Kassim’s initial sentencing occurred on February 28, 2012. (*See* Doc. 92.)

Lastly, Section 3582(c)(2) applies when a sentencing range has been subsequently lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o). Amendment 791 of the United States Sentencing Guidelines became

effective on November 1, 2015, and adjusted for inflationary changes since the year each monetary table was last amended. UNITED STATES SENTENCING GUIDELINES MANUAL app. C at 100-108. This amendment is not retroactive, and cannot be applied to Kassim's sentence.

For these reasons, Kassim's motion will be denied. An appropriate order will issue.

s/Sylvia Rambo

SYLVIA H. RAMBO

United States District Judge

Dated: December 14, 2016